

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 04-**

v. : **DATE FILED: June 3, 2004**

JOSE NUNEZ-HERNANDEZ, : **VIOLATIONS:**
a/k/a "Jose Nunez," : **8 U.S.C. §§ 1326(a), (b)(2) (reentry after**
a/k/a "Alex Acosta," : **deportation - 1 Count)**
a/k/a "Raphael Acosta," : **Notice of prior conviction**
a/k/a "Francisco Rondon-Aradia"

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about May 18, 2004, in the Eastern District of Pennsylvania, defendant

JOSE NUNEZ-HERNANDEZ,
a/k/a "Jose Nunez,"
a/k/a "Alex Acosta,"
a/k/a "Raphael Acosta,"
a/k/a "Francisco Rondon-Aradia,"

an alien and a subject of the Dominican Republic, who previously had been deported from the United States on or about January 13, 1999, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a), (b)(2).

NOTICE OF PRIOR CONVICTION

Defendant JOSE NUNEZ-HERNANDEZ, a/k/a JOSE NUNEZ, a/k/a ALEX ACOSTA, a/k/a RAPHAEL ACOSTA, a/k/a FRANCISCO RONDON-ARADIA, committed the offense charged in Count 1 of this indictment after having been convicted in a court of the State of Pennsylvania of an aggravated felony on the following two occasions:

- (i) Commonwealth v. Raphael Acosta, C.P. No. 3391-892 (June 21, 1995)
(possession a controlled substance and manufacture, delivery or possession with intent to manufacture or deliver a controlled substance); and
- (ii) Commonwealth v. Jose Nunez, C.P. No. 3962-893 (November 28, 1995)
(possession a controlled substance and manufacture, delivery or possession with intent to manufacture or deliver a controlled substance).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**